

**REMARKS**

The above Amendments and these Remarks are in reply to the Office Action mailed August 3, 2005. Claims 1-8, 10-18 and 20-30 were pending in the Application prior to the outstanding Office Action. Minor amendments are being made to claims 22 and 27. No claims are being canceled or added at this time. Accordingly, claims 1-8, 10-18, and 20-30 remain for the Examiner's consideration. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

**I. Premature Final Rejection**

Applicant respectfully asserts that the Office Action mailed August 3, 2005, which is the second Office Action issued for this case, should not have been a Final Office Action. According to MPEP 706.07(a) a second or subsequent action on the merits should not be final where the Examiner is introducing a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement (IDS).

In the first Office Action, the Examiner had indicated that dependent claims 9 and 19 were allowable. In Reply to the first Office Action, Applicant amended independent claim 1 to include the features of allowable claim 9, and amended independent claim 11 to include the features of allowable claim 19.

In the second Office Action, the Examiner rejected claims 1 and 11 using newly applied U.S. Patent No. 6,816,013 to Kao (hereafter "Kao"), which was not cited by Applicant in an IDS. Accordingly, claims 1 and 11 were rejected based on a new ground of rejection. This new ground of rejection was not necessitated by Applicant's amendment, because Applicant had merely amended claims 1 and 11 to put them in a format that the Examiner had previously indicated was allowable. Additionally, the new ground of rejection was not necessitated by information submitted by Applicant in an IDS, because, as mentioned above, Kao was not cited in an IDS.

Based on the above reasons, Applicant respectfully requests that the finality of the second Office Action (mailed August 3, 2005) be withdrawn. Accordingly, if another Office Action is to be issued, it should not be an Advisory Action.

## II. Summary of Prior Art Rejections

Claims 1, 2, 7, 11, 12 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,585,975 to Bliss (hereafter "Bliss") in view of U.S. Patent No. 6,816,013 to Kao (hereafter "Kao"). Additionally, claims 3-5 and 13-15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bliss and Kao and further in view of U.S. Patent No. 6,487,032 to Cloke et al. (hereafter "Cloke"). Applicant respectfully disagrees with the above rejections, for at least the reasons explained below.

## III. Interview Summary

Applicant thanks the Examiner for the telephonic interview provided to Applicant's undersigned representative on August 11, 2005. During the Interview, Applicant's representative explained the invention of claim 1, and explained why Bliss and Kao, alone or in combination, do not teach the invention of claim 1.

Applicant's representative explained that Bliss and Kao, alone or in combination, do not teach "limiting the AGC signal to keep it within a desired range, before providing the AGC signal as an input to the VGA", as required by step (c) of claim 1. Applicant's representative also explained that Bliss and Kao, alone or in combination, do not teach that "the desired range includes at least one of an upper limit and a lower limit", as also required by claim 1.

With regards to Bliss, Applicant's representative explained that signal 21 in FIG. 3 of Bliss is analogous to the claimed "AGC signal" that is provided as an input to a VGA (element 22 in Bliss), and that Bliss does not teach or suggest limiting signal 21 to keep it within a desired range.

In the Office Action, it was admitted that Bliss does not teach that "the desired range includes at least one of an upper and a lower limit." However, it was alleged in the Office Action that the FIG. 1 and column 1, lines 15-16 of Kao taught this deficiency of Bliss. This portion of Kao discusses a top detector 12 and a bottom detector 13, which it appears the Examiner was using to teach an upper limit and a lower limit, respectively. However, during the interview, Applicant's representative explained that the top and bottom detectors of Kao are merely used to detect top and bottom voltages  $V_t$  and  $V_b$ ,

respectively, so that a peak-to-peak amplitude  $V_d$  can be determined (see Koa, column 1, lines 20-25).

At the conclusion of the telephonic Interview, the Examiner stated that rejection of claim 1 appears to have been overcome. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1 based on Bliss and Koa. The Examiner stated that she would perform a further search to determine if additional references exist that can be used to reject claim 1.

#### IV. Discussion of Remaining Claims

Claims 2-5 and 7 depend from and add additional patentable features to claim 1. Applicant asserts that the rejections of claim 2-5 and 7 have been overcome for at least the reasons discussed above with regards to claim 1. As explained below, claims 2-5 and 7 are also patentable for the features that they add.

For example, claim 3 specifies that "the disk drive system includes a plurality of heads, and wherein the desired range is dependent at least in part on which head is being used to read a servo wedge." In the Office Action, it was admitted that Bliss and Koa do not teach the features of claim 3. However, it was alleged that Cloke teaches the deficiency of Bliss and Koa. Applicant respectfully disagrees. Applicant agrees that Cloke teaches a disk drive that includes a plurality of heads, which is very normal in the art. However, there is absolutely no teaching or motivation in the applied references that "the desired range (within which to keep the AGC signal) is dependent at least in part on which head is being used to read a servo wedge", as required by claim 3.

Claim 4 specifies that "the disk drive system includes a zone bit recorded disk including a plurality of zones, and wherein the desired range is dependent at least in part on which zone is being read." In the Office Action, it was admitted that Bliss and Koa do not teach the features of claim 4. However, it was alleged that Cloke teaches the deficiency of Bliss and Koa. Applicant respectfully disagrees. Applicant agrees that Cloke teaches a disk drive that includes a zone bit recorded disk including a plurality of zones, which is very normal in the art. However, there is absolutely no teaching or

motivation in the applied references that "the desired range (within which to keep the AGC signal) is dependent at least in part on which zone is being read", as required by claim 4.

Claim 5 specifies that "the desired range is dependent at least in part on: which head, of a plurality of heads, is being used to read a servo wedge; and which zone, of a plurality of zones, the servo wedge is within". Again, Applicant agrees that Cloke teaches a "a plurality of heads" and "a plurality of zones", which is very normal in the art. However, there is absolutely no teaching or motivation in the applied references that "the desired range (within which to keep the AGC signal) is dependent at least in part on "which head, of a plurality of heads, is being used to read a servo wedge; and which zone, of a plurality of zones, the servo wedge is within", as is required by claim 5.

Claim 11 requires the step of "limiting the PLL signal to keep it within a desired range, before providing the PLL signal as an input to the oscillator". Additionally, claim 11 specifies that "the desired range includes at least one of an upper limit and a lower limit". In the Office Action, claim 11 was rejected based on the same combination of Bliss and Kao that was used to reject claim 1. For similar reasons to those discussed above with reference to claim 1 and its dependent claims, Applicant believes that the rejection of claim 11, and of claims 12-15 and 17 which depend from claim 11, have also been overcome.

#### V. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 6, 8, 10, 16, and 18 and 20-30 are allowed.

#### VI. Conclusion

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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